

630-31 (1962); see also Lombard Securities Inc. v. Thomas F. White & Co., 903 F. Supp. 895 (D. Md. 1995). Even when “a party does not make a formal motion, the court on its own initiative may note the inadequacy of the complaint and dismiss it for failure to state a claim.” Jensen v. Conrad, 570 F. Supp. 91, 99-100 (D.S.C. 1983) (quoting 5 C. Wright and A. Miller, Federal Practice and Procedure § 1357 (1973)), aff’d, 747 F.2d 185 (4th Cir. 1984).

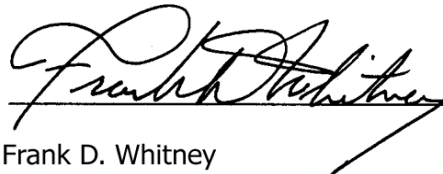
The Supreme Court has ruled that a complaint fails to state a claim when it merely asserts an “unadorned, the-defendant-unlawfully-harmed-me accusation.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 557 (2007)). The Federal Rules of Civil Procedure require that a complaint contain a “short and plain statement *showing* that the pleader is entitled to relief.” Fed. R. Civ. P. 8 (emphasis added). But “where the well-pleaded facts do not permit the court to infer more than the mere possibility of misconduct, the complaint has alleged – but it has not shown – that the pleader is entitled to relief.” Iqbal, 556 U.S. at 679 (internal quotations omitted). In such circumstances, dismissal under Rule 12(b)(6) is warranted.

Even after granting Plaintiff’s Complaint the “special judicial solicitude” due to *pro se* complaints, it is clear that it does not “squarely present” any legitimate factual or legal question nor does it demonstrate that Plaintiff is entitled to relief. Weller v. Dep’t of Soc. Servs. Balt., 901 F.2d 387, 391 (4th Cir. 1990). Plaintiff’s legal assertions are convoluted at best, and “[i]t is clear as a matter of law that no relief could be granted under any set of facts that could be proved consistent with the allegations in [the] complaint.” Grier v. United States, No. 94-2319, 1995 WL 361271, at *1 (4th Cir. June 16, 1995). The Court, therefore, dismisses this case under Rule 12(b)(6).

Furthermore, even if Plaintiff had squarely presented a cause of action, all of the named Defendants enjoy either absolute or sovereign immunity. The Fourth Circuit has held that “individuals acting in a judicial capacity have absolute immunity from liability in a § 1983 action.” Bruce v. Riddle, 631 F.2d 272, 277 (4th Cir. 1980). The claims against the three Defendant judges must therefore be dismissed. Additionally, for over a century, the Supreme Court has interpreted the Eleventh Amendment to bar citizens from suing their own state in federal court without the state’s permission. Hans v. Louisiana, 134 U.S. 1 (1890); see also Sossamon v. Texas, 131 S.Ct. 1651 (2011); Stewart v. North Carolina, 393 F.3d 484 (4th Cir. 2005). Thus, the claim against the state of North Carolina must likewise be dismissed.

IT IS THEREFORE ORDERED that this case is hereby DISMISSED WITHOUT PREJUDICE.

Signed: May 15, 2014


Frank D. Whitney
Chief United States District Judge

